

Serial No.: 10/088,516
Atty. Docket No.: P67761US0

REMARKS

The Office Action mailed September 20, 2005, has been carefully reviewed and, by this Amendment, Applicants have canceled claims 1-10 and added claims 11-28. Claims 11-28 are pending in the application. Claims 11, 15 and 24 are independent.

As an initial matter, Applicants have amended the abstract and specification.

The Examiner rejected claims 1-10 under 35 U.S.C. 112, second paragraph, as being indefinite. By this Amendment, Applicants have canceled claims 1-10 and presented new claims 11-28 which are in conformity with 35 U.S.C. 112, second paragraph. Favorable consideration and withdrawal of the rejection is requested.

The Examiner rejected claims 1-10 under 35 U.S.C. 102(b) as being anticipated by SU 1702111, and rejected claims 1-8 as being anticipated by U.S. Patent No. 5,433,923 to Wolverton et al. The Examiner also rejected claims 1 and 3 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,254,823 to Rees, and rejected claims 1-10 as being anticipated by U.S. Patent No. 6,680,028 to Harris.

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With the cancellation of claims 1-10, the rejections are technically moot. However, with respect to new claims 11-28, Applicants provide the following remarks.

As set forth in new independent claims 11 and 15, the present invention is directed to a method and device for treating ambient air by drawing in or circulating the air through a permeable container having a treating agent therein that includes *crystals of a mineral salt and fragmented elements of plant origin selected from the group consisting of clove, thyme and both clove and thyme*. The air is both mechanically filtered and biologically filtered in that the treating agent acts as a bactericide, fungicide, virucide and insecticide. The treating agent not only filters the air to remove and kill microorganisms, but is also distributed with substantial uniformity inside the container so as to prevent the development of microorganisms on the container itself. This is not shown or suggested by the prior art.

None of the cited references disclose filtration of air through a permeable container containing a treating agent that includes mineral salt crystals and *fragmented plant elements selected from the group consisting of clove, thyme and both clove and thyme*, as set forth in each of claims 11 and 15. Nor do they

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speaking to substantially uniform distribution of this treating agent so as to prevent microorganisms from growing on the container itself.

New claim 24 is also in condition for allowance for at least the same reasons as claims 11 and 15. In addition, claim 24 provides a method of air filtration that includes the sequential steps of drawing in or circulating air into a container through a layer of foam for a first mechanical filtration, through a treating agent layer of mineral salt crystals and fragmented plant elements selected from the group consisting of clove, thyme and both clove and thyme adjacent the foam layer, through a first fine mechanical filter adjacent the treating agent layer, and through a compartment adjacent the first fine mechanical filter for treatment of the air by radiation.

Claims 12-14, 16-23 and 25-28 are in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein. More particularly, the prior art does not teach that the step of drawing in or circulating the air through a treating agent layer as set forth in claim 24 includes the steps of drawing in or circulating the air through a layer of mineral salt crystals, through a second fine mechanical filter adjacent the layer of mineral salt crystals, and

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through a layer of fragmented plant elements selected from the group consisting of clove, thyme and both clove and thyme adjacent the second fine mechanical filter, as set forth in claim 27. Nor does the prior art teach, in conjunction with the steps of claims 24 and 27, the further steps of drawing in or circulating the air through a third fine mechanical filter adjacent the compartment, and then through a layer of toxic gas-absorbing material adjacent the third fine mechanical filter to exit the container, as provided in claim 28. Accordingly, favorable consideration and allowance thereof is requested.

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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